



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Delegated Powers and Law Reform Committee

**Tuesday 25 April 2023**

**Session 6**



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Pàrlamaid na h-Alba

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**CONTENTS**

	<b>Col.</b>
<b>INTERESTS</b> .....	1
<b>DECISION ON TAKING BUSINESS IN PRIVATE</b> .....	2
<b>INSTRUMENT SUBJECT TO AFFIRMATIVE PROCEDURE</b> .....	3
Climate Change (Scotland) Act 2009 (Interim Target) Amendment Regulations 2023 [Draft] .....	3
<b>INSTRUMENTS SUBJECT TO NEGATIVE PROCEDURE</b> .....	4
Town and Country Planning (Development Planning) (Scotland) Regulations 2023 (SSI 2023/101) .....	4
Fireworks and Pyrotechnic Articles (Scotland) Act 2022 (Designation of Events and Incidental Provision) Regulations 2023 (SSI 2023/98) .....	5
Council Tax Reduction (Scotland) Amendment Regulations 2023 (SSI 2023/113).....	5
Bee Diseases and Pests Control (Scotland) (Amendment) Order 2023 (SSI 2023/114).....	5

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**DELEGATED POWERS AND LAW REFORM COMMITTEE**

**13<sup>th</sup> Meeting 2023, Session 6**

**CONVENER**

Stuart McMillan (Greenock and Inverclyde) (SNP)

**DEPUTY CONVENER**

\*Bill Kidd (Glasgow Anniesland) (SNP)

**COMMITTEE MEMBERS**

\*Jeremy Balfour (Lothian) (Con)

\*Carol Mochan (South Scotland) (Lab)

\*Oliver Mundell (Dumfriesshire) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Rona Mackay (Strathkelvin and Bearsden) (SNP) (Committee Substitute)

**CLERK TO THE COMMITTEE**

Greg Black

**LOCATION**

The Adam Smith Room (CR5)



**Scottish Parliament**  
**Delegated Powers and Law  
Reform Committee**

*Tuesday 25 April 2023*

*[The Convener opened the meeting at 10:00]*

**Interests**

**The Deputy Convener (Bill Kidd):** Welcome to the 13th meeting in 2023 of the Delegated Powers and Law Reform Committee. We have received apologies today from our convener, Stuart McMillan MSP, and I welcome in his place Rona Mackay MSP. Before we move to the first item on the agenda, I remind everyone present to switch their mobile phones to silent.

Agenda item 1 is a declaration of interests. In accordance with section 3 of the code of conduct, I invite Rona Mackay to declare whether she has any interests relevant to the committee's remit.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Thank you, convener. I have nothing to declare.

**The Deputy Convener:** Thank you very much, and welcome to the committee.

**Decision on Taking Business in  
Private**

10:00

**The Deputy Convener:** Agenda item 2 is a decision on taking business in private. Is the committee content to take item 5 in private?

**Members** *indicated agreement.*

## Instrument subject to Affirmative Procedure

10:00

**The Deputy Convener:** Under agenda item 3, we are considering one instrument subject to the affirmative procedure, on which no points have been raised.

### Climate Change (Scotland) Act 2009 (Interim Target) Amendment Regulations 2023 [Draft]

**The Deputy Convener:** Is the committee content with the instrument?

**Members** *indicated agreement.*

## Instruments subject to Negative Procedure

10:01

**The Deputy Convener:** Under agenda item 4, we are considering four instruments subject to the negative procedure. An issue has been raised on the following instrument.

### Town and Country Planning (Development Planning) (Scotland) Regulations 2023 (SSI 2023/101)

**The Deputy Convener:** The instrument makes provision in connection with the preparation of local development plans under the Town and Country Planning (Scotland) Act 1997. In correspondence with the Scottish Government, which has been published alongside the agenda for the meeting, the committee highlighted an apparent failure to narrate in the preamble that the consultation requirement in section 16B(15) of the 1997 act had been fulfilled. The committee also identified a cross-referencing error in regulation 25 of the instrument.

The Scottish Government has acknowledged a failure to follow proper drafting practice on account of the failure to narrate the consultation requirement in the preamble to the instrument. However, it does not consider that any corrective action is required.

The Scottish Government has also confirmed that there was a cross-referencing error, as regulation 25 should refer to section 4ZA(3)(b)(ii) of the 1997 act instead of section 4ZA(3)(b)(iii). It says that it will correct the error at the next available opportunity.

Does the committee wish to draw the instrument to the attention of the Parliament on the general reporting ground for failure to follow proper drafting practice with the failure to narrate in the preamble the consultation requirement in section 16B(15) of the 1997 act?

**Members** *indicated agreement.*

**The Deputy Convener:** In respect of the cross-referencing error whereby regulation 25 should refer to section 4ZA(3)(b)(ii) instead of section 4ZA(3)(b)(iii), does the committee wish to note that the Scottish Government has undertaken to correct that error at the next available opportunity?

**Members** *indicated agreement.*

**The Deputy Convener:** Under the same agenda item, no points have been raised on the following instruments.

**Fireworks and Pyrotechnic Articles  
(Scotland) Act 2022 (Designation of Events  
and Incidental Provision) Regulations 2023  
(SSI 2023/98)**

10:04

*Meeting continued in private until 10:09.*

**Council Tax Reduction (Scotland)  
Amendment Regulations 2023 (SSI  
2023/113)**

**Bee Diseases and Pests Control  
(Scotland) (Amendment) Order 2023 (SSI  
2023/114)**

**The Deputy Convener:** Is the committee content with the instruments?

**Members** *indicated agreement.*

**The Deputy Convener:** Thank you very much indeed. We now move into private session.



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